

**SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )**



16 AUG 15 09:37

**SENATE**

**S. B. No. 1018**

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Introduced by Senator JOEL VILLANUEVA

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**AN ACT  
PROVIDING FOR THE PROTECTION, SECURITY AND BENEFITS OF  
THE WHISTLEBLOWERS, APPROPRIATING FUNDS THEREFORE  
AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The evils of graft and corruption have always plagued both the public and private sectors in the Philippines. Graft and corruption in our society weakens our democracy and the integrity of our various institutions, leads to violations of human rights, distorts markets, prevents the proper delivery of basic services to the people, increases inequality and injustice in the society and allows organized crime, terrorism and other threats to human security to flourish. Therefore, there is a need to minimize, if not to totally eradicate graft and corruption in our society.

Aside from graft and corruption prevalent in our country, there are also rampant criminal activities that must be stopped. The criminals involved must be prosecuted and adjudged to be guilty of the crimes committed. There are instances that information on unlawfully acquired property of a person may lead the authorities to be informed of other criminal activities which serve as sources of the said unlawfully acquired properties or wealth.

Building up of cases is very important in order to file an intelligent and substantial complaint that may warrant the finding of a probable cause, or even guilt beyond reasonable doubt. There maybe people who know certain pieces of information which are relevant and may be used to either further investigate the person/s involved, or file the necessary complaint. However, these people may be afraid to come out because there is a possibility that their identities may be revealed, their lives be endangered or their lives be affected due to reprisals or discrimination. Consequently, in order to ensure that whistleblowers or informants would come out

to help the government go against corrupt officials and other criminals, the government must give them benefits and protection.

The control and elimination of graft and corruption in the country is crucial in attracting more investors, creating jobs for our people, and achieving inclusive growth.

In view of the foregoing, immediate passage of the bill is earnestly sought.

  
SENATOR JOEL VILLANUEVA

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**PROVIDING FOR THE PROTECTION, SECURITY AND BENEFITS OF**  
**THE WHISTLEBLOWERS, APPROPRIATING FUNDS THEREFORE**  
**AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1 **SECTION 1. Short Title.** - This Act shall be known as the "Whistleblower Protection,  
2 Security and Benefit Act of 2016."

3 **SECTION. 2. Declaration of Policy.** - Public office is a public trust. It is the policy of  
4 the State to promote and ensure full accountability in the conduct of its officers and  
5 employees, and exact full retribution from those who shall engage in graft and  
6 corrupt practices. Towards this end, the State shall:  
7

8 (a) Maintain honest and high standards of integrity in the public service;

9 (b) Safeguard the national interest through the investigation and prosecution  
10 of corrupt and erring public officials and employees; and

11 (c) Encourage and facilitate the disclosure of corrupt conduct and practices  
12 in the public service by providing benefits and protection to whistleblowers.

13 Nothing in this Act shall diminish or restrict the entitlement, receipt or enjoyment by a  
14 whistleblower of more or higher benefits provided in existing laws.

15 **SECTION 3. Definition of Terms.** - As used in this Act, the following terms are  
16 hereby defined as follows:

17 (a) Acts constituting graft and corruption refer to any conduct, act or omission of  
18 public officers and employees which are covered by, or constitute as violations  
19 of:

(1) Republic Act No. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act";  
(2) Sections 7, 8 and 9 of Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees";  
(3) Republic Act No. 7080, entitled "An Act Defining and Penalizing the Crime of Plunder";  
(4) Presidential Decree No. 46, entitled "Making it Punishable for Public Officials and Employees to Receive, and for Private Persons to Give, Gifts on Any Occasion, Including Christmas"; and  
(5) Title VII, Book Two of the Revised Penal Code on "Crimes Committed by Public Officers".

(c) Council refers to the Whistleblower Benefits and Protection Council created pursuant to Section 29 of this Act.

(d) Informant refers to any person who has personal knowledge or access to data, events or information, of any act or conduct constituting graft and corruption as defined under this Act or of any property or wealth unlawfully acquired as defined in Republic Act No. 1379 by public officer/s and employee/s, and who shall deliberately disclose of individual, collective or organized conduct constituting graft and corruption as provided in this Act.

(e) Program refers to the "Whistleblower Protection, Security and Benefit Program" which the Council shall formulate and implement pursuant to this Act.

(f) Public officer refers to any persons holding any public office in the Government of the Republic of the Philippines by virtue of an appointment, election or contract.

(g) Whistleblower refers to an informant admitted into the Program of the Council in accordance with this Act and its rules and regulations.

(h) Reprisal refers to any negative or obstructive response or reaction to a disclosure made under this Act aimed at, pertaining to, or against a whistleblower or any of the members of the family and relatives up to the second degree of consanguinity or affinity.

(i) Reprisal in workplace refers to any discriminatory conduct or policies against a whistleblower which affect promotion or job assignment or receiving of benefits and bonuses if applicable, including but not limited to the following: i) undue negative performance appraisal; ii) unusual and unwarranted close monitoring by supervisors; iii) unwarranted criticisms or avoidance by co-employees; iv) withholding responsibilities and assignments; v) blacklisting from other job opportunities or prejudicial transfers by reason of a disclosure made under this Act.

**SECTION 4. Coverage.** - This conduct constituting graft and corruption covered under this Act, whether commenced or consummated before the effectivity of this Act, refers to any conduct, act or omission of public officers and/or employees which are covered by, or amount to violations of Republic Act No. 3019; Sections 7, 8 and

1 9 of Republic Act No.6713; Republic Act No. 7080; Presidential Decree No. 46; and  
2 Title VII, Book Two of the Revised Penal Code on "Crimes Committed by Public  
3 Officers".

4 This Act also covers property or wealth unlawfully acquired as defined in Republic  
5 Act No. 1379.

6 **SECTION 5. Admission to the Program.** - Whistleblowers admitted into the  
7 Program shall be entitled to the protection and benefits under this Act: *Provided,*  
8 That all the following requisites concur:

9 (a) The disclosure is voluntary, in writing and under oath;

10 (b) The disclosure relates to conduct constituting graft and corruption under this  
11 Act or any property or wealth unlawfully acquired as defined in Republic Act No.  
12 1379 which might relate to any criminal activities punished under applicable laws and  
13 rules and regulations;

14 (c) Such disclosure is necessary for an effective and successful investigation or  
15 prosecution, or essential for the acquisition of material evidence not yet in the  
16 possession of the Council;

17 (d) The information given by the whistleblower can be corroborated; and

18 (e) The information disclosed will lead to a successful gathering of evidence and/or  
19 conduct of investigation sufficient to sustain a finding of probable cause for the filing  
20 of a criminal complaint or information before a court of competent jurisdiction.

21 **SECTION 6. Necessity of Testimony.** - The testimony of a whistleblower in court  
22 shall not be necessary for the entitlement to the benefits and protection under this  
23 Act, subject to the provision of Section 17 herein. Entitlement of benefits and  
24 protection under this Act will not prevent the whistleblower from receiving or availing  
25 the benefits under Republic Act No.6981, otherwise known as the "Witness  
26 Protection, Security and Benefit Act" pursuant to its provisions.

27 **SECTION 7. Memorandum of Agreement With the Whistleblower.-** As a prerequisite  
28 to the availment of the protection and benefits under this Act, a whistleblower shall  
29 enter into a Memorandum of Agreement with the Department of Justice (DOJ) which  
30 shall set for the whistle blower's responsibilities including the following:

31 (a) To provide information to and testify before all inquiries, in aid of legislation, and  
32 before any law enforcement official concerning any appropriate proceeding in  
33 connection with or arising from the activities involved in the offense subject matter  
34 thereof;

35 (b) To avoid a commission of a crime involving moral turpitude;

36 (c) To take all necessary precautions to avoid detection by others of the facts  
37 concerning the protection provided under this Act;

38 (d) To cooperate with respect to all reasonable requests of officers and employees of  
39 the government who are providing protection under this Act; and

40 (e) To regularly inform the appropriate program official of the whistleblower's current  
41 activities and address.

42 **SECTION 8. Breach of the Memorandum Agreement.** - Substantial breach of the  
43 Memorandum of Agreement shall be a ground for the immediate termination of the  
44 protection and benefits provided under this Act. The Council shall send notice to a

1 whistleblower concerned, stating therein the reason measures for such termination.  
2 In view thereof, a whistleblower shall be afforded reasonable time to take appropriate  
3 and necessary protection and security measures.

4 In addition, the whistleblower shall return all the financial rewards received pursuant  
5 to Section 17 of this Act.

6 **SECTION 9. *Protection Against Other Actions.*** – A whistleblower or an informant  
7 who has made a disclosure under this Act shall not be subject to any liability in any  
8 proceeding.

9 Any disclosure made or any document submitted to the Council shall be in  
10 admissible in evidence against the whistleblower. This protection shall also operate  
11 as immunity in favor of a whistleblower or informant against any action or proceeding  
12 taken against the whistleblower by any person subject of a disclosure, by reason  
13 thereof and acts in relation to subject of disclosure. *Provided*, however, that the  
14 protection against any action or proceeding shall not be available in cases of  
15 deliberate and voluntary giving of false or misleading information, and of any  
16 unjustified recantation of testimony by a whistleblower.

17 **SECTION 10. *Defense of Privileged Communication.*** - A whistleblower or any  
18 person who has made a disclosure under this Act shall have, as defense in any other  
19 inquiry or proceeding, the absolute privilege with respect to the subject matter of the  
20 disclosure or information given to the proper authorities.

21 **SECTION 11. *Confidentiality.*** - Except as allowed by this Act, during and after a  
22 disclosure, and throughout and after any proceeding taken thereafter, a  
23 whistleblower or an informant is entitled to absolute confidentiality about:

- 24 (a) His/Her identity;  
25 (b) The subject matter of the disclosure; and  
26 (c) The person to whom such disclosure was made.

27 There shall be no such confidentiality of identity if a whistleblower or an informant  
28 makes a public disclosure of a conduct constituting graft and corruption unless,  
29 notwithstanding such public disclosure, the whistleblower has taken means and  
30 measures obviously intended to preserve anonymity.

31 **SECTION 12. *No Breach of Duty of Confidentiality.***- A whistleblower or an informant  
32 who has made a disclosure under this Act, on whom a provision of law, regulation,  
33 issuance, practice or other convention, imposes a duty to maintain confidentiality  
34 with respect to any information disclosed, is considered not to have committed a  
35 breach thereof.

36 **SECTION 13. *Confidential Information*** - No person to whom disclosure has been  
37 made or referred shall divulge any information that may identify or tend to identify a  
38 whistleblower or informant or reveal the subject matter of such disclosure, except  
39 under the following circumstances:

- 40 (a) The whistleblower or the informant consents in writing prior to a disclosure  
41 of information;

- (b) The disclosure is indispensable and essential as determined by the Council, having regard to the necessary proceedings to be taken after the disclosure; or
- (c) The disclosure or referral is made pursuant to an obligation under this Act.

The prohibition on disclosure under this section shall apply to any person who has become privy to any confidential information, whether officially or by other means.

**SECTION 14 .Protection Against Disciplinary Action or Reprisals.** - A whistleblower who has made or is believed or suspected to have made a disclosure under this Act is not liable to disciplinary action for making said disclosure.

Prohibited acts under this section include reprisals in the work place as defined in Section 3 of this Act or prejudicial conduct towards a whistleblower such as but not limited to the following: a) discriminatory actions behind policies and procedures, b) unwarranted reprimand; c) punitive transfers; d) malicious referral to a psychiatrist or counselor; and e) unfounded or baseless poor performance reviews. Other prejudicial actions include obstruction of an investigation, withdrawal of essential resources, undue reports and the attachment of false personnel files or notes.

**SECTION 15. Security and Protection of a Whistleblower** - When determined to be necessary and appropriate by the Council, a whistleblower, even if the disclosure is made in confidence, shall be entitled to personal security. For this purpose, the Council may request any law enforcement agency for assistance. Should at any time, the identity of the whistleblower be revealed, or anonymity compromised, the whistleblower may, upon the recommendation of the Council, be entitled to the benefits of Republic Act No.6981, in addition to the other benefits under this Act.

**SECTION 16. Confidentiality of the Proceedings.** - All proceedings before the Council involving application and/or enjoyment of the benefits under this Act, including any action taken thereon, shall be confidential in nature. No information or documents given or submitted in support thereof shall be released except upon written order of the Council, and provided such disclosure shall not endanger the life of a whistleblower.

**SECTION 17. Financial Rewards for Whistleblowers.** - The whistleblower shall be entitled to a corresponding monetary reward in accordance with the following stages:

Stages	If the case is of pecuniary estimation	If the case is not capable of pecuniary estimation
Upon admission into the program	Php200,000.00	Php100,000.00
Upon filing of the case with the Office of the Ombudsman or Department of Justice, as applicable	Php100,000.00	Php50,000.00
Upon completion of the testimony of the whistleblower	Php100,000.00	Php50,000.00

1 For cases capable of pecuniary estimation, such as plunder, forfeiture of ill-gotten  
2 wealth, bribery, malversation and damage or injury to government, violation of the  
3 provisions of the National Internal Revenue Code, the whistleblower shall be entitled  
4 to an additional reward of ten percent (10%) of the actual amount recovered by final  
5 judgment.

6 **SECTION 18. *Return of the Amount Received as Financial Rewards.*** - A  
7 whistleblower admitted into the Program who deliberately and voluntarily gives false  
8 or misleading information in connection with conduct constituting graft and  
9 corruption as defined under this Act or any property or wealth unlawfully acquired as  
10 defined in Republic Act No. 1379 or who unjustifiably recants testimony shall, in  
11 addition to the penalties provided in Section 21 and Section 22 of this Act, be  
12 required to return all the amounts received as financial rewards.

13 **SECTION 19. *Mandatory Posting of Abstract.*** - All government agencies, offices,  
14 bureaus and local government units (LGUs), including government-owned or-  
15 controlled corporations, whether or not with original charters, shall conspicuously  
16 display an abstract of this Act and the rights and protections of whistleblowers or  
17 informants. Such abstract shall be provided in the rules and regulations to be  
18 promulgated pursuant to Section 31 of this Act.

19 All government agencies, offices, bureaus and LGUs, including government-owned  
20 and- controlled corporations, whether or not with original charters, are likewise  
21 required to put in place internal procedures for dealing with whistleblowers or  
22 informants, consistent with the provisions of this Act and the rules and regulations.  
23 Said internal procedure shall be widely disseminated to all the public employees.

24 **SECTION 20. *Credibility of a Whistleblower.*** - In all cases, the fact of the entitlement  
25 of the whistleblower to the protection and benefits provided in this Act shall not be  
26 admissible in evidence to diminish or affect the whistleblower's credibility.

27 **SECTION 21. *Penalty for Giving False and Misleading Information.*** - The penalty of  
28 imprisonment of not less than six (6) years but not more than twelve (12) years and  
29 a fine of not more than One Hundred Thousand Pesos (Php100,000.00) shall be  
30 imposed upon a whistleblower who deliberately and voluntarily gives false or  
31 misleading information in connection with conduct constituting graft and corruption  
32 under this Act. If the offender is a public officer or employee, the penalty of  
33 dismissal from the service and the accessory penalty of perpetual absolute  
34 disqualification from holding public office shall also be imposed. In addition, the  
35 offender may be held criminally and civilly liable under existing laws.

36 **SECTION 22. *Penalty for Unjustified Recantation.*** -The unjustified recantation of  
37 testimony by a whistleblower shall constitute an offense and shall be punishable by a  
38 penalty of imprisonment of not less than four (4) years but not more than six (6)  
39 years.

40 **SECTION 23. *Penalty for Reprisal Against Whistleblower.*** - The penalty of  
41 imprisonment of not less than six (6) years but not more than twelve (12) years or a  
42 fine of not more than One Hundred Thousand Pesos (Php100,000.00), or both, at



1 the discretion of the court shall be imposed upon any person who shall commit any  
2 act of reprisal as defined in this Act against a whistleblower and/or hinders, delays,  
3 prevents or dissuades said whistleblower from:

4 (a) Attending, assisting or testifying before any investigating agency or judicial or  
5 quasi-judicial body;

6 (b) Reporting to a law enforcement officer or judge the commission or  
7 possible commission of an offense, or a violation of conditions of probation,  
8 parole, or release pending judicial proceedings;

9 (c) Seeking the arrest of another person in connection with the offense;

10 (d) Causing a criminal prosecution, or any proceeding, for the revocation of a  
11 parole or probation; and

12 (e) Performing and enjoying the rights and benefits under this Act or attempt to  
13 do so.

14 In addition, the penalty of dismissal from the service and the accessory penalty of  
15 perpetual absolute disqualification from holding public office shall be imposed upon  
16 an offender who is a public officer or employee.

17 **SECTION 24. *Penalty for Violation of Confidentiality*** .- The penalty of imprisonment  
18 of not less than six (6) months but not more than six (6) years shall be imposed upon  
19 any person who shall violate the protection of confidentiality of a protected  
20 disclosure under Sections 10, 11, 13 and 16 of this Act. The penalty of dismissal  
21 from the service and the accessory penalty of temporary absolute disqualification  
22 from holding public office shall also be imposed upon an offender who is a public  
23 officer or employee. In addition, the offender shall be civilly liable to indemnify the  
24 whistleblower or informant in such amount of damages as may be awarded and  
25 deemed reasonable by a competent court.

26 **SECTION 25. *Penalty for Reprisal in the Workplace***.- The penalty of imprisonment  
27 of not more than six (6) years but not more than twelve (12) years shall be imposed  
28 upon any person who shall commit any act of reprisal in the work place as defined  
29 in this Act, against a whistleblower or believed or suspected to be one. The  
30 penalty of dismissal from the service and the accessory penalty of temporary  
31 absolute disqualification from holding public office shall also be imposed upon an  
32 offender who is a public officer or employee. In addition, the offender shall be civilly  
33 liable to indemnify the whistleblower in such amount of damages as may be  
34 awarded and deemed reasonable by a competent court. Towards this end, an  
35 aggrieved whistleblower shall be entitled to the provisional remedy of injunction  
36 against any reprisal in the workplace, prejudicial conduct, or discriminatory  
37 treatment by reason of whistleblowers disclosure.

38 The proceedings herein shall be independent of any action that an aggrieved person  
39 may take before the Civil Service Commission or the DOLE for unfair or  
40 discriminatory practices, back wages, or other labor disputes or before other quasi-  
41 judicial agencies that may or may not have arisen from a disclosure or believed or  
42 suspected disclosure.

43 **SECTION 26. *Penalty for Discriminatory Hiring*** .- The penalty of imprisonment of not  
44 more than six (6) months shall be imposed upon any person who shall deny a  
45 qualified applicant for employment, or who shall reject an application for employment

1 solely on the ground that an applicant is a whistleblower or informant for the State.  
2 If the offender is a corporation, partnership, association, or any juridical person, the  
3 penalty shall be imposed upon the president, partner, manager and/or any  
4 responsible officer who participated in the commission of the offense.

5 The penalty of dismissal from the service and the accessory penalty of suspension  
6 of the right to hold public office shall also be imposed upon the offender who is a  
7 public officer or employee.

8 In addition, the offender shall be civilly liable to indemnify the whistleblower in such  
9 amount of damages as may be awarded and deemed reasonable by a competent  
10 court.

11 **SECTION 27. *Failure to Post Abstract.*** – The failure to post an abstract required  
12 under Section 19 of this Act shall constitute an offense and shall be punishable with  
13 a fine of One Hundred Thousand Pesos (Php100,000.00) for the first offense. The  
14 amount shall be doubled for every succeeding offense, and punishable with  
15 imprisonment of not more than six (6) months at the discretion of the court. For this,  
16 purpose, the president, general manager, or head of agency office or bureau shall  
17 be held criminally liable and shall suffer the accessory penalty of suspension of the  
18 right to hold public office.

19 **SECTION 28. *Failure to Report to the Council.*** - Any person under obligation  
20 to report a disclosure under this Act to the Council, who fails to do so within a period  
21 of two (2) months, or who fails to act thereon or cause an investigation thereof, shall  
22 be held liable and shall suffer the penalty of not more than one (1) month  
23 imprisonment or a fine of not more than Fifty Thousand Pesos (Php50,000.00) at the  
24 discretion of the court.

25 **SECTION 29. *Whistleblower Benefits and Protection Council.*** - A Whistleblower  
26 Benefits and Protection Council is hereby created composed of the Overall  
27 Deputy Ombudsman as Chairperson, and the following as members:

- 28 (a) Prosecutor General, DOJ;
- 29 (b) Special Prosecutor, Ombudsman;
- 30 (c) Witness Protection Program Director, DOJ;
- 31 (d) Executive Director, Anti-Money Laundering Council;
- 32 (e) Director, Legal Service, Philippine National Police, in case the respondent  
33 is a member thereof;
- 34 (f) The Judge Advocate General of the Armed Forces of the Philippines, in  
35 case the respondent is a member thereof;
- 36 (g) A representative from the civil society/nongovernment organization  
37 involved in anti-corruption and good governance to be appointed by the  
38 Chairperson of the Council upon the recommendation of the members thereof  
39 and
- 40 (h) A representative from the business sector to be appointed by the  
41 Chairperson of the Council, upon the recommendation of the Philippine  
42 Chamber of Commerce and Industry. The existing personnel of the Office of  
43 the Ombudsman shall serve as secretariat to the Council.

1 **SECTION 30. Powers and Functions of the Council.**- In addition to its powers and  
2 functions under existing laws, the Council shall have the following powers and  
3 functions:

4 (a) Monitor, coordinate and evaluate all efforts relative to the  
5 implementation and enforcement of the provisions of this Act;

6 (b) Evaluate the disclosure and qualification of whistleblowers or informants  
7 for coverage within this Act, and make the appropriate decision on their  
8 entitlement to the benefits extended herein;

9 (c) Undertake, incoordination and cooperation with the private and public  
10 sectors, an information campaign to educate the public on the provisions and  
11 benefits of this Act;

12 (d) Develop plans and implement programs to further encourage  
13 whistleblowers or informants on graft and corrupt activities with a view to  
14 effective deterrence and/or prosecution;

15 (e) Control and administer consistent with the provisions and purposes of this  
16 Act, the protection and benefits of whistleblowers in connection with the  
17 cases within the coverage of Section 4 of this Act;

18 (f) Call upon or deputize any department bureau office or any other  
19 government agency or public official to assist in the effective implementation  
20 and enforcement of this Act; and

21 (g) Grant immunity in accordance with the provisions of this Act and its  
22 implementing rules and regulations.

23 **SECTION 31. Appropriations.** - The amount necessary to carry out the provisions  
24 of this Act shall be included in the annual General Appropriations Act.

25 **SECTION 32. Implementing Rules and Regulations.** - The Council shall  
26 promulgate such rules and regulations as may be necessary to implement the  
27 intent and purposes of this Act. Said rules and regulations shall be published in  
28 two (2) newspapers of general circulation.

29 **SECTION 33. Separability Clause.**- If any portion or provision of this Act or the  
30 application there of shall be declared invalid or unconstitutional, the validity of  
31 other parts or provisions not affected there by shall continue to be in full force and  
32 effect.

33 **SECTION 34. Repealing Clause.** -All laws, decrees, executive issuances, rules  
34 and regulations inconsistent with this Act-are hereby repealed or modified  
35 accordingly.

36 **SECTION 35. Effectivity Clause.** -This Act shall take effect fifteen (15) days  
37 following its complete publication in two (2) newspapers of general circulation.

38 *Approved,*